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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,864	11/03/2003	Jae-Sun Park	1235-003	5142
66547 7590 05/16/2008 THE FARRELL LAW FIRM, P.C. 333 EARLE OVINGTON BOULEVARD SUITE 701 UNIONDALE, NY 11553				
EXAMINER				
MISKA, VIT W				
ART UNIT		PAPER NUMBER		
2833				
MAIL DATE		DELIVERY MODE		
05/16/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/699,864

Applicant(s)

PARK, JAE-SUN

Examiner

Vit W. Miska

Art Unit

2833

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-10 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 and 8 is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-10, 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4 and 9-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Masaki (6616328) in view of Komoda (5748570). With respect to claims 1-6, Masaki discloses an apparatus for adjusting the time of analog watch in a terminal having the analog watch, comprising: an analog watch unit, comprising an oscillation circuit 101 for generating a standard signal with a predetermined frequency; a division circuit 102 for dividing the standard signal by a predetermined division ratio according to a control signal 105 and generating a divided signal "divided signal", Fig. 1), a driving circuit for generating a driving signal according to the divided signal (see col. 3, line 32); and a step motor 205 driven by the driving signal, for moving the elements of the analog watch; and a control unit 105, 106 for providing the control signal to the division circuit of the analog watch unit when a predetermined time adjustment manipulation is inputted

from an adjustment key (crown), and for checking with circuit 106 an input state of the time adjustment key manipulation in a time adjustment mode and controlling an operational state of the driving circuit as shown in Fig. 3, steps S301-308, the division circuit dividing the standard signal into one of a predetermined frequency of a general time indication mode "divided signal" to 103, and a predetermined frequency of a time adjustment mode "divided signal" to 107, according to the control signal.

2. Masaki does not suggest use of the device for performing mobile communication functions including voice communication. However, the use of a watch or time measuring device with a mobile communication function is conventional, as shown by Komoda, disclosing a timepiece function in a portable telephone device. A telephone inherently includes voice communication. Therefore, it would be obvious for one skilled in the art to provide a voice mobile communication function in Masaki, as suggested by Komoda, in order to provide the user with telephone capability in a portable or hand held device.

3. With respect to claims 9-10, Masaki discloses a method for adjusting the time of analog watch in a terminal having the analog watch, comprising the steps of: selecting a time adjustment menu with the crown for which the control unit operates in a time adjustment mode as shown in the steps of Fig 3, checking an input state (with circuit 106) of a predetermined time adjustment key (crown) in a time adjustment mode; determining whether a key input is one set for time adjustment at steps S401-403 in

Fig. 4, determining whether a duration time is greater than 6 seconds at step S407, and moving the hands of the analog watch faster than in a general time indication according to the input state of the time adjustment key (by means of signal from 107 to 103), wherein the input state is at least one of the number of times the time adjustment key is pressed and the duration (see Fig. 3, S301-S303), wherein the hands of the analog watch are moved according to one of a predetermined unit and continuously according to the input state (S305-308).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 14-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

These claims all recite "wherein the time adjustment is achieved without the use of a stem structure in the terminal". There is insufficient support for this subject matter in the original disclosure/specification and the claims are therefore directed to new matter.

5. The specification at page 5, third paragraph states: "The user interface can include...a keypad for receiving various keypad manipulations from a user". This structure corresponds to the "time adjustment manipulation" set forth in claim 1. A keypad necessarily includes some type of keys for manual manipulation, which keys may generally comprise "a stem structure" for transmitting movement of the key to an input circuit. Applicant in the specification failed to limit the "keypad" structure to any particular design, or excluded therefrom specific features, e.g. a stem structure. Claims 14-16, limiting the invention to a manipulation "without the use of a stem structure", thus defines subject matter not described in the specification in a manner to indicate that applicant had possession of the claimed invention at the time the application was filed.

6. Claims 7-8 are allowed.

Response to Arguments

7. Applicant's arguments have been give careful consideration, but have not been found persuasive. Applicant relies on the added features of claims 14-16 pertaining to the time adjustment being made "without the use of a stem structure"; however, this

limitation appears only in claims 14-16 and not in the remaining claims. Further, claims 14-16 have been rejected under 35USC112, as noted above.

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 571-272-2108. The examiner can normally be reached on M-F 9-5:30.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vit W. Miska/
Primary Examiner, Art Unit 2833